UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,974	03/04/2002	Ronald Leo Christiaan Koymans	PHNL 010153	6966

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EXAMINER
DAFTUAR, SAKET K

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	10/087,974	KOYMANS ET AL.
	Examiner	**Art Unit**	
	Saket K. Daftuar	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *March 09th, 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 March 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7 August, 2003*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 05172005

DETAILED ACTION

1.   Claims 1-14 are presented for examination.

Priority

2.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No.

10087974.

Drawings

3.   The drawings are objected to under 37 CFR 1.83(a) because they fail to labeled

second apparatus, Bus, first apparatus, network, and server in Fig.1 as described in the

specification. Applicant also failed to labeled thread control numbers and steps in Fig.2.

Any structural detail that is essential for a proper understanding of the disclosed

invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing

sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to

avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary,

the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement

sheets may be necessary to show the renumbering of the remaining figures. Each

drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

Claim Objections

4.   Claim 1 objected to because of the following informalities: "configuration of the

system <u>with a to</u> an acceptance server. " should be "configuration of the <u>system to an</u>

acceptance server."

5.   Claim 1 objected to because of the following informalities: "system component

<u>and configured</u> according to information..." should be "system <u>component are</u>

configured according to information..."

6.   Claim 2 objected to because of the following informalities: "the controllable

apparatus" and "a controllable apparatus".

7.   Claims 4 and 10 are objected to because of the following informalities: "the

acceptance server" and "an acceptance server." Additionally, claim 4 is also objected to

because of the following informalities "the computer." There is insufficient antecedent

basis for this limitation in the claim.

8.   Claim 5 objected to because of the following informalities: "the connection" and

"a connection."

9.   Claims 11-14 are objected to because of the following informalities "the server" in

"an acceptance server."   Claims 12 –14 falls under the same limitation of claim 11.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

10.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

11.   Claims 1,3-6, and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

        Claims 1 and 3 recites the limitation "the acceptance server" in "said

acceptance server". Additionally, claim 1 also recites the limitation "the server

component" in "said server component". There is insufficient antecedent basis for this limitation in the claim.

Claims 4-5, and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is insufficient antecedent basis for this, "the acceptance signal", limitation in the claim.

Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is insufficient antecedent basis for this, "said criterion", limitation in the claim.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13.   Claims 1- 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabin

et al. U.S. Patent Number 6,697,948 B1 (hereinafter Rabin).

As per claim 1 Rabin discloses loading a new system component into a

system with a computer [Software instances, see column 3 lines 47-49]; in

response to said loading, sending information about said system component and

a configuration of the system with a to an acceptance server via a remote

communication network [Tag server accepting instances of software, see column

3 lines 47-50]; verifying with said acceptance server whether the system with a

computer including the system component and configured according to

information about the configuration meets a criterion of interoperability

[Supervisory programs verifies the authenticity of the tag, see column 3 lines 55-

59]; sending an acceptance signal from the acceptance server to the system with

a computer via the remote communication network [hash function values and

unique identifier determine if the tag is authentic or not, see column 4 lines 10-

16]; qualifying operation of the system with a computer including the system

component dependent on the acceptance signal [Supervisory programs verify the

hash function value and identifier to satisfy a tag associated with software

instances, see column 4 lines 15-20].

As per claim 2, Rabin discloses sending information that determines a

computer program for controlling a controllable apparatus from the controllable

apparatus to the system with a computer, when the controllable apparatus is coupled to the system with a computer via a local communication network [Software instances having unique tag, see column 7 lines 53-62]; said system component being the computer program, the acceptance server being directed at verifying whether the computer program will execute in the configuration according to the criterion of interoperability[The software instances associated with a tag satisfy a same location fingerprint check, see column 4 lines 17-20; examiner considers software instances performing fingerprint check with a computer program (supervisory program)]; control of an operation of the controllable apparatus by the system with a computer with the computer program being qualified according to the acceptance signal[User device includes supervisory program, see column 3 lines 55-56].

As per claim 3, Rabin discloses a new system component into the system [Software instances, see column 3 lines 47-49]; an acceptance server [Tag server accepting instances of software, see column 3 lines 47-50]; a remote communication network [see column 27, lines 7-14]; an apparatus coupled to the acceptance server via the remote communication network, the apparatus being arranged to send information about said system component and a configuration of the system with a computer to the acceptance server via the remote communication network, in response to said loading[user device downloading software instances electronically and installed from software vendor via

communication network, see column 27 lines 25-30]; said acceptance server being arranged to verify whether the system with a computer including the system component and configured according to information about the configuration meets a criterion of interoperability and to send an acceptance signal to the system with a computer via the remote communication network[The tag server, coupled to communication network to creates or generates a tag for each instances of software, see column 27 lines 30-32]; the apparatus being arranged to qualify operation of the system with a computer including the system component dependent on the acceptance signal[Each tag has a unique identifier of the supervisory program, see column 4 lines 5-9].

As per claim 4, Rabin discloses the computer [see column 2 lines 55-56]; an input for receiving a computer program for execution by the computer [user device includes input port that receives an instance of software, see column 8 lines 13-17]; an communication interface for communication to a remote acceptance server, the apparatus being arranged to send information about the computer program and a configuration of apparatus to the acceptance server and to receive an acceptance server in return to said information, the apparatus being arranged to qualify execution of the computer program by the computer according to the acceptance signal [see column 39, lines 1-4, examiner considers interconnection mechanism coupled to the user device and securely transmit tag information to tag server].

As per claim 5, Rabin discloses a connection [Interconnection mechanism, see column 8 lines 50-52] for connection to a controllable apparatus, the connection comprising said input for receiving the computer program, the computer program being a program for controlling the controllable apparatus via the connection, the apparatus qualifying control of the controllable apparatus according to the acceptance signal [user device includes input port that receives an instance of software, see column 8 lines 13-17];

As per claim 6, Rabin discloses the information about the configuration identifying the type of an apparatus, said criterion including a sub-criterion for the compatibility of the apparatus, as identified by the information about the configuration, and the computer program [see column 54 lines 1-11, two devices having same tag performs a call-up, tag is copied from another, Only one of the device will accept the continuation because the header tag table matches only one ID tag].

As per claim 7, Rabin discloses the computer program being arranged to execute selectable ones of a plurality of functions, the acceptance signal comprising an identification of the acceptability of respective ones of the functions, said qualifying being selective for the respective functions [see column 3 lines 47-53, each tag uniquely identified the instances of software].

As per claim 8, Rabin discloses that said qualifying comprises disabling execution of a part or whole of computer program, as far as identified as unacceptable by the acceptance signal [supervisory program rejects the instance of software if the tag associated with the software is not authentic, see column 3 lines 63-65].

As per claim 9, Rabin discloses said qualifying comprises generating a warning signal to a user about the computer program or parts thereof when a user attempts to cause operation of computer program or the parts thereof and/or generating the warning signal upon any first user action after reception of the acceptance signal [tag generating hash function value and digital signature for supervisory program to verify and determine if the tag is authentic, see column 4 lines 1-15].

As per claim 10, Rabin discloses the apparatus being arranged to execute enable unqualified execution at least part of the computer program until the apparatus has received the acceptance signal received from the acceptance server [for untagged software, the verification program periodically executes a call-up procedures to receive; if the verification program detects a match, a specific punitive action to be performed, see column 17 lines 18-30].

As per claim 11, Rabin discloses providing an acceptance server coupled to a communication network [The tag server, coupled to communication network to creates or generates a tag for each instances of software, see column 27 lines 30-32]; receiving information with the server about a configuration of the system with a computer and a new system component of that system with a computer via the communication network [user device downloading software instances electronically and installed from software vendor via communication network, see column 27 lines 25-30]; checking with the server whether the system component and configured according to information about the configuration meets a criterion of interoperability[see column 3 lines 47-53, each tag uniquely identified the instances of software]; sending an acceptance signal back from the server to a source of said information, the acceptance signal signaling whether said criterion of interoperability is met[The software instances associated with a tag satisfy a same location fingerprint check, see column 4 lines 17-20; examiner considers software instances performing fingerprint check with a computer program (supervisory program)].

As per claim 12, Rabin discloses the server is selectively reachable through the communication network using [see column 27, lines 7-14] a network address, the network address being specific to a predetermined type of apparatus, or family of types of apparatuses, the criterion being specialized to said family [see column 44, line 2-6].

As per claim 13, Rabin discloses the new component is a computer program, the information comprising at least part of a code of said computer program, the method comprising analyzing the executable code with the server to determine whether its effect meets the criterion when executed by the system with a computer [see column 13 lines 37-47 and column 32 lines 14-17].

As per claim 14, Rabin discloses the computer program is arranged to handle selectable ones of a set of events, the server determining handling which of the events meets said criterion, the acceptance signal particularizing which of the events are acceptable [see column 54 lines 1-11, two devices having same tag performs a call-up, tag is copied from another, Only one of the device will accept the continuation because the header tag table matches only one ID tag].

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying P.T.O 892.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Saket K. Daftuar** whose telephone number is **571-272-8363**. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Zarni Maung** can be reached on **571-272-3939**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saket K Daftuar
Art Unit 2151

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER